

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:

Andrew Z. FIRE *et al.*

U.S. Patent No.: 6,506,559

Application No.: 09/215,257

Filed: December 18, 1998

Issued: January 14, 2003

For: GENETIC INHIBITION BY  
DOUBLE STRANDED RNA

**PETITION UNDER 37 C.F.R. § 1.182  
TO REPRINT THE FRONT PAGE  
OF THE LETTERS PATENT**

**\*\* Hand-Carry To Office Of Petitions  
Crystal Plaza 4, Room 3-C23 \*\***

**Office of Petitions**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**RECEIVED**

**JAN 22 2003**

**OFFICE OF PETITIONS**

07/18/2003 AKELLEY 00000012 500310 6506559

01 FC:1460 130.00 DA  
02 FC:1460 130.00 DA

This is a Petition under 37 C.F.R. § 1.182 to request that the front page of the attached original Letters Patent be corrected and reprinted to include the correct names of the assignees. Accompanying this petition is a second petition requesting that the rules under 37 CFR §3.81(a) be waived to permit the correct names of the assignees of the above-mentioned patent to be provided after issuance.

On October 22, 2002, Applicant's agent submitted two copies of Issue Fee Transmittal Form PTOL-85 noting the sole assignee as "Carnegie Institute of Washington." This assignee designation was erroneous in two respects:

- (1) A second assignment to "The University of Massachusetts" was recorded on March 19, 1999, at Reel/Frame 009825/0207 (copies of the Notice of Recordation and assignment documents are attached hereto); and
- (2) "Carnegie Institute of Washington" contains an inadvertent error in that the word "Institute" should actually be "Institution" (see copies of Notice of Recordation and assignment

attached hereto). Thus, the correct name of the first assignee should be “Carnegie Institution of Washington,” and “The University of Massachusetts” should be included on the face of the patent as the second assignee. As explained in the attached petition under 37 CFR §1.183, the error was inadvertent and due to high public interest, the Office should reprint the first page, particularly in view of patentee’s promptness in seeking the requested relief.

According to 37 CFR §1.182, all situations not specifically provided for in the regulations will be decided in accordance with the merits of each situation by or under the authority of the Commissioner. The Commissioner therefore has the authority to approve reprinting of the first page of the Letters Patent. While Applicant is aware that the original Letters Patent is reprinted only under very rare circumstances, as explained in the attached Petition under 37 CFR §1.183, justice requires that the correct assignees be named on the face of the patent in the present case.

The above-mentioned patent covers one of the most important inventions of the year, an invention that is jointly owned by Carnegie Institution of Washington and The University of Massachusetts. The importance of the invention is emphasized by several scientific articles submitted herewith and discussed in the accompanying petition under 37 CFR §1.183. Given the importance of the invention and the number of readers that will no doubt request a copy of the patent, it is only fair that both of the owners of this important invention are shown on the face of the patent. Listing the second assignee in a certificate of correction rather than on the face of the patent would not serve justice adequately, since the face of the patent would be viewed by potential readers much more frequently than a certificate attached to the patent. Failure to correct the face of the patent to reflect the names of both assignees would rob the second

assignee of its due recognition as a co-owner of the invention, an injustice that should not prevail solely because the Applicant's agent made an inadvertent error in completing the PTOL-85 form.

The \$130.00 petition fee required by 37 C.F.R. § 1.17(h) is being submitted with this Petition. The Commissioner is hereby authorized to charge any additional fees, or credit any overpayment, to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

*Bonnie Weiss McLeod*

Bonnie Weiss McLeod, Ph.D.  
Reg. No. 43,255

**RECEIVED**  
JAN 22 2003  
**OFFICE OF PETITIONS**

January 22, 2003

**CUSTOMER NO.: 009629**  
**MORGAN, LEWIS & BOCKIUS LLP**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Telephone: 202-739-3000  
Facsimile: 202-739-3001

**Attachments:**

- Petition under 37 CFR §1.183 to Waive the Rules under 37 CFR §3.81(a)
- Notice of Assignment recordation and assignment for University of Massachusetts
- Notice of Assignment recordation and assignment for Carnegie Inst. of Washington
- Letters Patent
- Journal article: Science, Dec. 2002, Vol. 298, pages 2296-97
- Journal article: excerpt from The Wall Street Journal, Tuesday, Aug. 6, 2002
- Journal article: Genetic Engineering News, Dec. 2002, Vol. 22(21), pages 1, 3, 70 & 80
- Meeting agenda, Applications of RNA Interference, Feb. 10-11, San Diego, CA

**RECORDATION FORM COVER SHEET  
PATENT APPLICATIONS & PATENTS ONLY**

TO THE ASSISTANT COMMISSIONER OF PATENTS AND TRADEMARKS:  
SIR: PLEASE RECORD THE ATTACHED ORIGINAL DOCUMENTS OR COPY THEREOF.

## 1. NAME OF CONVEYING PARTY(IES) (ASSIGNOR(S)):

1. Hiroaki Tabara  
3. Craig C. Mello  
5.  
7.

2. Samuel E. Driver  
4.  
6.  
8.

ADDITIONAL NAME(S) OF CONVEYING PARTY(IES) ATTACHED? ☐ YES ☒ NO

## 2. PARTY(IES) (ASSIGNEE(S)) RECEIVING INTEREST:

NAME: The University of Massachusetts

ADDRESS: One Beacon Street, Boston, Massachusetts 02108

ADDITIONAL NAME(S) & ADDRESS(ES) ATTACHED? ☐ YES ☒ NO

## 3. NATURE OF CONVEYANCE (DOCUMENT):

(Submit herewith only one document for recordation—multiple copies of same Assignment signed by different inventors is one document)

☐ ASSIGNMENT OF ☐ WHOLE ☐ PART INTEREST

☐ CHANGE OF NAME ☐ ACCURATE TRANSLATION  
☐ SECURITY ☐ MERGER ☒ OTHER: CORRECTION

**EXEC. DATE:** 1st Inventor: February 19, 1999;  
2nd Inventor: March 1, 1999; 3rd Inventor:  
February 19, 1999

EXECUTION DATE(S) ON THE DECLARATION IF FILED HERewith: (**NOTE:** IF DATES ON DECLARATION AND ASSIGNMENT DIFFER SEE ATTY!)

4.5 APPL. NO.(S) OR PAT NO.(S). OTHERS ON ADDITIONAL SHEET(S) attached? ☐ YES ☐ NO

A. PAT. APP. NO.(S) series code/serial no	M#	1 <sup>st</sup> INVENTOR if not in item 1	B. PATENT NO(S)	M#	1 <sup>st</sup> INVENTOR if not in item 1
09/215,257	256628				

5. Name & Address of Party to Whom Correspondence  
Concerning Document Should be Mailed:

**Pillsbury Madison & Sutro LLP**  
**Intellectual Property Group**  
1100 NEW YORK AVENUE, N.W.  
NINTH FLOOR, EAST TOWER  
WASHINGTON, D.C. 20005-3918

6. NUMBER INVOLVED:  
APPLNS 1 + PATS        = TOTAL 1

7. AMOUNT OF FEE ENCLOSED: (Code 581)  
ABOVE TOTAL x \$40 = \$40

5.5 ATTY DKT:

PMS 256628

8. IF ABOVE FEE IS MISSING OR INADEQUATE CHARGE  
INSUFFICIENCY TO DEPOSIT ACCOUNT NUMBER: 03-3975

MATTER NO.

CLIENT REF.

UNDER ORDER NO

20263

256628

dup. sheet not required

CLIENT NO.

MATTER NO.

## 9. STATEMENT AND SIGNATURE.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

07/02/1999 DMSUYEN 00000168 09215257

01 FC:581

10. Total number of pages including this  
cover sheet, attachments and document  
(do not file dup. Cover sheet)

12

Signature

Attorney: Paul N. Kokulis

Reg. No. 16773

Atty/Sec: PNK/kep

TEL: (202) 861-3503

Date: July 1, 1999

FAX: (202) 822-0944

**FILE WITH PTO RETURN RECEIPT (PAT-103A)**

BOX ASSIGNMENTS

1.1-16-1999

DO NOT USE FOR TRADEMARKS

TO THE ASSISTANT COMMISSIONER OF PATENT AND TRADEMARKS  
SIR: PLEASE RECORD THE ATTACHED ORIGINAL DOCUMENTS OR COPY THEREOF.

101162969

## 1. NAME OF CONVEYING PARTY(IES) (ASSIGNORS(S)):

1. Hiroaki Tabara  
3. Craig C. Mello

2. Samuel E. Driver

4.  
6.  
8.

ADDITIONAL NAME(S) OF CONVEYING PARTY(IES) ATTACHED? ☐ YES ☒ NO

## 2. PARTY(IES) (ASSIGNEE(S)) RECEIVING INTEREST:

NAME: The University of Massachusetts

ADDRESS: One Beacon Street, Boston, MA 02108

ADDITIONAL NAME(S) & ADDRESS(ES) ATTACHED? ☐ YES ☒ NO

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(Submit herewith only one document for recordation—multiple copies of same Assignment signed by different inventors is one document)☒ ASSIGNMENT OF ☒ WHOLE ☐ PART INTEREST

EXEC. DATE: 2/19/99 &amp; 3/1/99

☐ CHANGE OF NAME ☐ ACCURATE TRANSLATION☐ SECURITY ☐ MERGER ☐ OTHER:

EXECUTION DATE(S) ON THE DECLARATION IF FILED HEREWITH: (NOTE: IF DATES ON DECLARATION AND ASSIGNMENT DIFFER SEE ATTY!)

4.5 APPL. NO.(S) OR PAT NO.(S). OTHERS ON ADDITIONAL SHEET(S) attached? ☐ YES ☐ NO

A. PAT. APP. NO.(S) series code/serial no	M#	1st INVENTOR if not in item 1	B. PATENT NO(S)	M#	1st INVENTOR if not in item 1
09/215,257	256628	Fire et al.			

5. Name &amp; Address of Party to Whom Correspondence Concerning Document Should be Mailed:

**Pillsbury Madison & Sutro LLP**  
**Intellectual Property Group**  
1100 NEW YORK AVENUE, N.W.  
NINTH FLOOR, EAST TOWER  
WASHINGTON, D.C. 20005-3918

6. NUMBER INVOLVED:

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UNDER ORDER NO	20263	256628
dup. sheet not required	CLIENT NO.	MATTER NO.

03/22/1999 DNGUYEN 00000275 09215257

01 FC:581 40.00 OP

## 9. STATEMENT AND SIGNATURE.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

*Paul N. Kokulis* Reg No 43,180

Signature

10. Total number of pages including this cover sheet, attachments and document (do not file dup. Cover sheet)	5
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Attorney: Paul N. Kokulis

Reg. No. 16773

Atty/Sec: PNK/kep

TEL: (202) 861-3503

Date: March 19, 1999

FAX: (202) 822-0944

FILE WITH PTO RETURN RECEIPT (PAT-103A)

Please return signed/recorded to:  
Pillsbury Madison & Sutro LLP  
Intellectual Property Group  
Ninth Floor, East Tower  
1100 New York Avenue, N.W.  
Washington, D.C. 20005-3918

Atty. Dkt.	PMS 256628	
	M#	Client Ref.

**ASSIGNMENT**  
**of U.S. Origin Patent Application**  
**(to Corporation)**  
**(or Limited Partnership)**

WHEREAS, the undersigned, to wit:

- 1) Hiroaki Tabara
- 2) Samuel E. Driver
- 3) Craig C. Mello
- 4)

(hereinafter collectively ASSIGNOR), has/have made an invention known as Dkt. PMS 256628

and entitled: Genetic Inhibition by Double-Stranded RNA

for which an application for Letters Patent of the United States

- ☐ was executed even date herewith and is about to be filed in the United States Patent and Trademark Office;
- ☒ was filed on December 18, 1998, Appln. No. 09/215,257;

AND WHEREAS The University of Massachusetts (hereinafter ASSIGNEE), ☒ a corporation ☐ Limited Partnership duly organized and existing under the laws of the State of Massachusetts and having its principal office and place of business at One Beacon Street, Boston, MA 02108, desires to acquire an interest therein;

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the said ASSIGNOR, does hereby sell, assign and transfer unto ASSIGNEE, its successors, assigns and legal representatives, the full and exclusive right, title and interest to the said invention in the United States and all foreign countries, as described in the aforesaid application, and to the said application and to all continuations, divisions, reissues and substitutes of said application, together with the right of priority under the International Convention for the Protection of Industrial Property, Inter-American Convention Relating to Patents, Designs and Industrial Models, and any other international agreements to which the United States of America adheres, and ASSIGNOR hereby authorizes and requests the Commissioner of Patents to issue said Letters Patent to ASSIGNEE, for its interest as ASSIGNEE, its successors, assigns and legal representatives.

AND ASSIGNOR hereby agrees to execute any papers requested by ASSIGNEE, its successors, assigns and legal representatives, deemed essential to ASSIGNEE's full protection and title in and to the invention hereby transferred.

ASSIGNOR furthermore agrees upon request of said ASSIGNEE, and without further remuneration, to execute any and all papers desired by said ASSIGNEE for the filing and granting of foreign applications and the perfecting of title thereto in said ASSIGNEE.

NOTE: The undersigned hereby authorizes Pillsbury Madison & Sutro LLP of the above address to insert hereon any further identification necessary or desirable for recordation of this document.

Executed on the date(s) below indicated.

Signature

Date Signed

Witness

1) Hiroaki Tabara  
田原 浩昭  
Name: Hiroaki Tabara

2/19/99

x Madison  
x

2) \_\_\_\_\_  
Name: Samuel E. Driver

\_\_\_\_\_

\_\_\_\_\_

3) Craig C. Mello  
Name: Craig C. Mello

2/19/99

+ CMS

4) \_\_\_\_\_  
Name:

\_\_\_\_\_

\_\_\_\_\_

Please return signed/recorded to:  
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Ninth Floor, East Tower  
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and transfer unto ASSIGNEE, its successors, assigns and legal representatives, the full and exclusive right, title  
and interest to the said invention in the United States and all foreign countries, as described in the aforesaid  
application, and to the said application and to all continuations, divisions, reissues and substitutes of said  
application, together with the right of priority under the International Convention for the Protection of Industrial  
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Signature

Date Signed

Witness

1)

\_\_\_\_\_  
Name: Hiroaki Tabara

2)

X Sam Driver  
Name: Samuel E. Driver

X 3/1/99

X Suzanne S. Polym  
X Alexandra Smith

3)

\_\_\_\_\_  
Name: Craig C. Mello

A

4)

\_\_\_\_\_  
Name:

11-16-1999

DO NOT USE FOR TRADEMARKS



101163112

TO THE ASSISTANT COMMISSIONER

SIR: PLEASE RECORD THE ATTACHED ORIGINAL DOCUMENTS OR COPY THEREOF.

1. NAME OF CONVEYING PARTY(IES) (ASSIGNORS(S)):

1. Andrew Z. Fire

3. Mary K. Montgomery

5. Lisa Timmons

7.

2. Sigun Xu

4. Stephen A. Kostas

6.

8.

ADDITIONAL NAME(S) OF CONVEYING PARTY(IES) ATTACHED? ☐ YES ☒ NO

2. PARTY(IES) (ASSIGNEE(S)) RECEIVING INTEREST:

NAME: The Carnegie Institution of Washington

ADDRESS: 1530 P Street, N.W., Washington, D.C. 20005

ADDITIONAL NAME(S) & ADDRESS(ES) ATTACHED? ☐ YES ☒ NO

3. NATURE OF CONVEYANCE (DOCUMENT):

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EXEC. DATE: 1/12/99; 1/15/99; 1/20/99; 1/22/99; 1/29/99

☐ CHANGE OF NAME☐ ACCURATE TRANSLATION☐ SECURITY☐ MERGER ☐ OTHER:

EXECUTION DATE(S) ON THE DECLARATION IF FILED HEREWITH: (NOTE: IF DATES ON DECLARATION AND ASSIGNMENT DIFFER SEE ATTY!)

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CLIENT REF.

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UNDER ORDER NO

20263

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dup. sheet not required

CLIENT NO.

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03/22/1999 DMSUYEN 00000278 09215257

01 FC:561 40.00 00

9. STATEMENT AND SIGNATURE.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

*Gary F. Janigoren* Reg. No. 43,180  
Signature

10. Total number of pages including this  
cover sheet, attachments and document  
(do not file dup. Cover sheet)

11

for Attorney: Paul N. Kokulis

Reg. No. 16773

Date: March 19, 1999

Atty/Sec: PNK/kep

TEL: (202) 861-3503

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FILE WITH PTO RETURN RECEIPT (PAT. 103A)

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ninth Floor, East Tower  
100 New York Avenue, N.W.  
Washington, D.C. 20005-3918

Atty. Dkt. PMS 256628  
M#

Client Ref.

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**(or Limited Partnership)**

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- 2) Si Q. Xu
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- 4) Stephen A. Kostas
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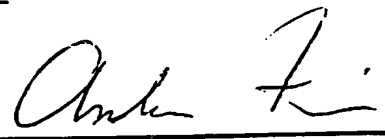

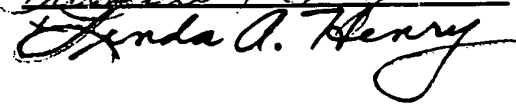
NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration,  
the receipt and sufficiency of which are hereby acknowledged, the said ASSIGNOR, does hereby sell, assign  
and transfer unto ASSIGNEE, its successors, assigns and legal representatives, the full and exclusive right, title  
and interest to the said invention in the United States and all foreign countries, as described in the aforesaid  
application, and to the said application and to all continuations, divisions, reissues and substitutes of said  
application, together with the right of priority under the International Convention for the Protection of Industrial  
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Executed on the date(s) below indicated.

<u>Signature</u>	<u>Date Signed</u>	<u>Witness</u>
1) <u>x</u>  Name: Andrew Fire	<u>x</u> 11/15/99	 
2) _____ Name: Si Q. Xu	_____	_____
3) _____ Name: Mary K. Montgomery	_____	_____
4) _____ Name: Stephen A. Kostas	_____	_____
5) _____ Name: Lisa Timmons	_____	_____

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Washington, D.C. 20005-3918

Atty. Dkt.	PMS 256628	Client Ref.
	M#	

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**of U.S. Origin Patent Application**  
**(to Corporation)**  
**(or Limited Partnership)**

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- 2) ~~Shi Xu~~ Siqun Xu
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- 4) Stephen A. Kostas
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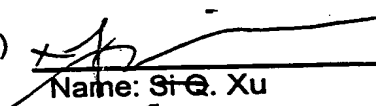
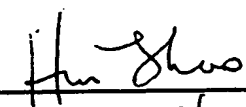
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<u>Signature</u>	<u>Date Signed</u>	<u>Witness</u>
1) _____ Name: Andrew Fire	_____	_____
2)  _____ Name: Si Q. Xu Siqun	x 1/12/99	x  _____ x Hui Shao
3) _____ Name: Mary K. Montgomery	_____	_____
4) _____ Name: Stephen A. Kostas	_____	_____
5) _____ Name: Lisa Timmons	_____	_____

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**of U.S. Origin Patent Application**  
**(to Corporation)**  
**(or Limited Partnership)**

WHEREAS, the undersigned, to wit:

- 1) Andrew Fire
- 2) Si Q. Xu
- 3) Mary K. Montgomery
- 4) Stephen A. Kostas
- 5) Lisa Timmons

(hereinafter collectively ASSIGNOR), has/have made an invention known as Dkt. PMS 256628

and entitled: Genetic Inhibition by Double-Stranded RNA

for which an application for Letters Patent of the United States

- ☐ was executed even date herewith and is about to be filed in the United States Patent and Trademark Office;
- ☒ was filed on December 18, 1998, Appln. No. 09/ 215,257 ;

AND WHEREAS The Carnegie Institution of Washington (hereinafter ASSIGNEE), ☒ a corporation ☐  
Limited Partnership duly organized and existing under the laws of the District of Columbia and having its  
principal office and place of business at 1530 P Street, N.W., Washington, DC 20005, desires to acquire an  
interest therein;

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration,  
the receipt and sufficiency of which are hereby acknowledged, the said ASSIGNOR, does hereby sell, assign  
and transfer unto ASSIGNEE, its successors, assigns and legal representatives, the full and exclusive right, title  
and interest to the said invention in the United States and all foreign countries, as described in the aforesaid  
application, and to the said application and to all continuations, divisions, reissues and substitutes of said  
application, together with the right of priority under the International Convention for the Protection of Industrial  
Property, Inter-American Convention Relating to Patents, Designs and Industrial Models, and any other  
international agreements to which the United States of America adheres, and ASSIGNOR hereby authorizes and  
requests the Commissioner of Patents to issue said Letters Patent to ASSIGNEE, for its interest as ASSIGNEE,  
its successors, assigns and legal representatives.

AND ASSIGNOR hereby agrees to execute any papers requested by ASSIGNEE, its successors, assigns and legal representatives, deemed essential to ASSIGNEE's full protection and title in and to the invention hereby transferred.

ASSIGNOR furthermore agrees upon request of said ASSIGNEE, and without further remuneration, to execute any and all papers desired by said ASSIGNEE for the filing and granting of foreign applications and the perfecting of title thereto in said ASSIGNEE.

NOTE: The undersigned hereby authorizes Pillsbury Madison & Sutro LLP of the above address to insert hereon any further identification necessary or desirable for recordation of this document.

Executed on the date(s) below indicated.

Signature

Date Signed

Witness

1)

Name: Andrew Fire

2)

Name: Si Q. Xu

3)

x Mary K. Montgomery  
Name: Mary K. Montgomery

x 1/29/99

x Patricia Bygones  
x 1-29-99

4)

Name: Stephen A. Kostas

5)

Name: Lisa Timmons



Please return signed/recorded to:  
Isbury Madison & Sutro LLP  
Intellectual Property Group  
ninth Floor, East Tower  
100 New York Avenue, N.W.  
Washington, D.C. 20005-3918

Atty. Dkt. PMS 256628  
M#

Client Ref.

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<u>Signature</u>	<u>Date Signed</u>	<u>Witness</u>
1) _____ Name: Andrew Fire	_____	_____
2) _____ Name: Si Q. Xu	_____	_____
3) _____ Name: Mary K. Montgomery	_____	_____
4) <u>x</u> <u>Stephen A. Kostas</u> Name: Stephen A. Kostas	<u>x Jan. 20, 1999</u>	<u>x Patricia J. Englar</u> <u>x Linda L. Benby</u>
5) _____ Name: Lisa Timmons	_____	_____

Please return signed/recorded to:  
Pillsbury Madison & Sutro LLP  
Intellectual Property Group  
Ninth Floor, East Tower  
1100 New York Avenue, N.W.  
Washington, D.C. 20005-3918

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Name: Si Q. Xu

3)

\_\_\_\_\_  
Name: Mary K. Montgomery

4)

\_\_\_\_\_  
Name: Stephen A. Kostas

5)

+ Lisa D. Timmons  
Name: Lisa Timmons

+ 1/22/00

+ Judith C. Allen  
+

#34

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*In re* Patent of: )  
)  
Andrew Z. FIRE *et al.* )  
)  
U.S. Patent No.: 6,506,559 )  
Application No.: 09/215,257 )  
)  
Filed: December 18, 1998 )  
Issued: January 14, 2003 )  
)  
For: GENETIC INHIBITION BY )  
DOUBLE STRANDED RNA )

**PETITION UNDER 37 C.F.R. § 1.183  
TO WAIVE THE RULES UNDER  
37 CFR §3.81(a)**

**\*\* Hand-Carry To Office Of Petitions  
Crystal Plaza 4, Room 3-C23 \*\***

**Office of Petitions**  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**RECEIVED**

**JAN 22 2003**

**OFFICE OF PETITIONS**

Sir:

This is a Petition under 37 C.F.R. § 1.183 to request that the requirements of 37 C.F.R. § 3.81(a) be waived to permit the correct names of the assignees of the above-mentioned patent to be provided after issuance of the patent. Accompanying this petition is a second petition requesting that the front page of the original Letters Patent be reprinted pursuant to 37 CFR §1.182 to reflect the correct names of the assignees. The original Letters Patent is surrendered herewith to facilitate reprinting of the first page.

On October 22, 2002, Applicant's agent submitted two copies of Issue Fee Transmittal Form PTOL-85B noting the sole assignee as "Carnegie Institute of Washington." This assignee designation was erroneous in two respects:

- (1) A second assignment to "The University of Massachusetts" was recorded on March 19, 1999, at Reel/Frame 009825/0207 (copies of the Notice of Recordation and assignment documents are attached hereto); and

(2) “Carnegie Institute of Washington” contains an inadvertent error in that the word “Institute” should actually be “Institution” (see copies of Notice of Recordation and assignment attached hereto). Thus, the correct name of the first assignee should be “Carnegie Institution of Washington,” and “The University of Massachusetts” should be included on the face of the patent as the second assignee.

The failure to include the correct information pertinent to the assignment held by the University of Massachusetts was an inadvertent oversight, as was the misspelling of the assignee name that was indicated on the Issue Fee Transmittal document, PTOL-85B. The error was recognized immediately upon the PTO’s homepage posting of U.S. 6,506,559, and this petition and the accompanying petition under §1.182 have been filed immediately upon receipt of the original Letters Patent.

According to 37 CFR §1.183, in an extraordinary situation, when justice requires, any requirement of the regulations which is not a requirement of the statutes may be suspended or waived by the Commissioner or the Commissioner’s designee, or on petition of the interested party, subject to such other requirements as may be imposed. In the present case, justice requires that the correct assignees be named on the face of the patent, because the patent covers one of the most important inventions of the year, an invention that is jointly owned by Carnegie Institution of Washington and The University of Massachusetts. We anticipate high public interest in this patent and wish to insure that the public is immediately cognizant of the co-ownership of the patent. Further, we wish to avoid public reliance on incomplete assignment information. These goals can only be achieved by reprinting the front page of US 6,506,559 and correcting the information in the electronic databases that are available to the public.

To demonstrate the importance of the invention claimed in U.S. Patent No. 6,506,559, attached hereto are several scientific articles demonstrating the excitement of the biotechnology community towards the claimed technology. For instance, the attached article recently published by Science magazine (Vol. 298, Dec. 20, 2002) heralded the technology - which has been dubbed "RNA interference" - as the #1 scientific breakthrough of the year 2002. The article further notes how the true power of double-stranded RNA in the inhibition of gene expression was not appreciated until the work of Andrew Fire of the Carnegie Institution of Washington, Craig Mello of the University of Massachusetts and their colleagues (the inventors of U.S. 6,506,559) (see the paragraph bridging columns 1 and 2, page 2296).

The attached excerpt from the Aug. 6, 2002, edition of The Wall Street Journal also discusses how the work of Andrew Fire and Craig Mello (two of the inventors of U.S. Patent 6,506,559) "set off a flurry of activity, as it dawned on scientists that if gene-silencing was working in plants, and now in worms, it might be a general phenomenon in all animals." Indeed, as summarized in a recent Genetic Engineering News article (Vol. 22, Dec. 21, 2002), several companies have since been founded solely on the promise of RNA interference therapies (see the bottom of col. 1 on page 3), and several other companies are supplying RNA interference reagents and kits for using RNA interference to silence gene expression in virtually any cell line (see first textual column on page 80). The attached copy of the agenda for the conference entitled Applications of RNA Interference to take place on February 10-11, 2003, in San Diego, California, also demonstrates the high quantity of recent activity that has occurred in the area of RNA interference.

U.S. Patent No. 6,506,559 is the first issued U.S. patent to cover methods of inhibiting gene expression using double-stranded RNA. A substantial number of licensees have already

licensed the invention now patented in U.S. 6,506,559 based solely on the corresponding published PCT application. Furthermore, a substantial number of additional licenses are expected to be negotiated now that U.S. 6,506,559 has issued. Given the importance of the invention and the number of readers that will no doubt request a copy of the patent, it is only fair that both of the owners of this important invention are shown on the face of the patent. Listing the second assignee in a certificate of correction rather than on the face of the patent would not serve justice adequately, since the face of the patent would be viewed by potential readers much more frequently than a certificate attached to the patent. Failure to correct the face of the patent to reflect the names of both assignees would rob the second assignee of its due recognition as a co-owner of the invention, an injustice that should not prevail solely because the Applicant's agent made an inadvertent error in completing the PTOL-85 form.




The \$130.00 petition fee required by 37 C.F.R. § 1.17(h) is being submitted with this Petition. Applicants have also included payment of \$100.00 for placement of a certificate of correction in the archives as advised by the Petitions Branch. The Commissioner is hereby authorized to charge any additional fees, or credit any overpayment, to Deposit Account 50-0310.

**RECEIVED**  
JAN 22 2003  
OFFICE OF PETITIONS

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

  
Bonnie Weiss McLeod, Ph.D.  
Reg. No. 43,255

January 22, 2003

**CUSTOMER NO.: 009629**  
**MORGAN, LEWIS & BOCKIUS LLP**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Telephone: 202-739-3000  
Facsimile: 202-739-3001

**Attachments:**

- Petition under 37 CFR §1.182 to Reprint the Front Page of the Letters Patent
- Notice of Assignment recordation and assignment for University of Massachusetts
- Notice of Assignment recordation and assignment for Carnegie Inst. of Washington
- Letters Patent
- Journal article: Science, Dec. 2002, Vol. 298, pages 2296-97
- Journal article: excerpt from The Wall Street Journal, Tuesday, Aug. 6, 2002
- Journal article: Genetic Engineering News, Dec. 2002, Vol. 22(21), pages 1, 3, 70 & 80
- Meeting agenda, Applications of RNA Interference, Feb. 10-11, San Diego, CA

## Patent Assignment Abstract of Title

**Total Assignments:** 2

**Application #:** 09215257 **Filing Dt:** 12/18/1998 **Patent #:** 6506559 **Issue Dt:** 01/14/2003

**PCT #:** NONE

**Publication #:** NONE

**Pub Dt:**

**Inventors:** ANDREW Z. FIRE, SIQUN XU, MARY K. MONTGOMERY, STEPHEN A. KOSTAS, LISA TIMMONS, HIROAKI TABARA, SAMUEL E. DRIVER, CRAIG C. MELLO

**Title:** GENETIC INHIBITION BY DOUBLE-STRANDED RNA

**Assignment: 1**

**Reel/Frame:** 009825/0120 **Received:** 03/23/1999 **Recorded:** 03/19/1999 **Mailed:** 04/12/2000 **Pages:** 11

**Conveyance:** ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

**Assignors:** FIRE, ANDREW Z.

**Exec Dt:** 01/15/1999

XU, SIQUN

**Exec Dt:** 01/12/1999

MONTGOMERY, MARY K.

**Exec Dt:** 01/29/1999

KOSTAS, STEPHEN A.

**Exec Dt:** 01/20/1999

TIMMONS, LISA

**Exec Dt:** 01/22/1999

**Assignee:** CARNEGIE INSTITUTION OF WASHINGTON, THE

1530 P STREET, N.W.

WASHINGTON, DISTRICT OF COLUMBIA 20005

**Correspondent:** PILLSBURY MADISON & SUTRO LLP

PAUL N. KOKULIS

1100 NEW YORK AVENUE, N.W.

NINTH FLOOR, EAST TOWER

WASHINGTON, DC 20005-3918

**Assignment: 2**

**Reel/Frame:** 009825/0207 **Received:** 03/23/1999 **Recorded:** 03/19/1999 **Mailed:** 12/01/1999 **Pages:** 5

**Conveyance:** ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

**Assignors:** TABARA, HIROAKI

**Exec Dt:** 02/19/1999

DRIVER, SAMUEL E.

**Exec Dt:** 03/01/1999

MELLO, CRAIG C.

**Exec Dt:** 02/19/1999

**Assignee:** UNIVERSITY OF MASSACHUSETTS, THE

ONE BEACON STREET

BOSTON, MASSACHUSETTS 02108

**Correspondent:** PILLSBURY MADISON & SUTRO LLP

PAUL N. KOKULIS

1100 NEW YORK AVENUE, NW

9TH FLOOR, EAST TOWER

WASHINGTON, DC 20005-3918

Search Results as of: 9/3/2003 9:28:03 A.M.



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

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Washington, D.C. 20231

NOVEMBER 29, 1999

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PILLSBURY MADISON & SUTRO LLP  
PAUL N. KOKULIS  
1100 NEW YORK AVENUE, N.W.  
NINTH FLOOR, EAST TOWER  
WASHINGTON, D.C. 20005-3918



\*101163112A\*

**CORRECTED  
NOTICE**

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RECORDATION DATE: 03/19/1999

REEL/FRAME: 009825/0120

NUMBER OF PAGES: 11

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

**ASSIGNOR:**

FIRE, ANDREW Z.

DOC DATE: 01/15/1999

**ASSIGNOR:**

MONTGOMERY, MAY K.

DOC DATE: 01/29/1999

**ASSIGNOR:**

TIMMONS, LISA

DOC DATE: 01/22/1999

**ASSIGNOR:**

XU, SIQUN

DOC DATE: 01/12/1999

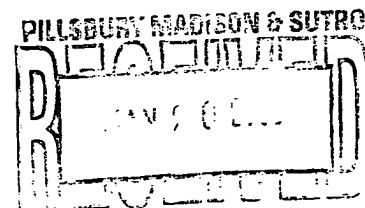
**ASSIGNOR:**

KOSTAS, STEPHEN A.

DOC DATE: 01/20/1999

**ASSIGNEE:**

CARNEGIE INSTITUTION OF  
WASHINGTON, THE  
1530 P STREET, N.W.  
WASHINGTON, D.C. 20005



009825/0120 PAGE 2

SERIAL NUMBER: 09215257  
PATENT NUMBER:

FILING DATE: 12/18/1998  
ISSUE DATE:

JACQUELINE MOORE, PARALEGAL  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS



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NOVEMBER 19, 1999

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PILLSBURY MADISON & SUTRO LLP  
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1100 NEW YORK AVENUE, NW  
9TH FLOOR, EAST TOWER  
WASHINGTON, DC 20005-3918



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NUMBER OF PAGES: 5

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ASSIGNOR:  
TABARA, HIROAKI

**RECEIVED**

DOC DATE: 02/19/1999

ASSIGNOR:  
DRIVER, SAMUEL E.

JAN 22 2003

DOC DATE: 03/01/1999

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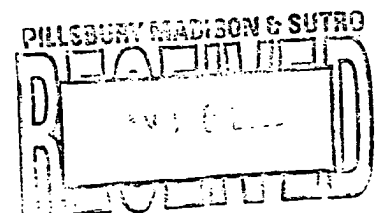
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MELLO, CRAIG C.

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009825/0207 PAGE 2

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